

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC and MARTIN AFFILIATED, LLC,)	Civil Case No. 3:19-cv-00736
)	
)	
Plaintiffs,)	THE HONORABLE ALETA A. TRAUGER
)	
v.)	JURY DEMAND
)	
SPOTIFY USA, INC. and HARRY FOX AGENCY, LLC)	
)	
)	
Defendants)	
)	
SPOTIFY USA, INC., THE HARRY FOX AGENCY, LLC,)	
)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
KOBALT MUSIC PUBLISHING AMERICA, INC.,)	
)	
)	
Third-Party Defendant.)	
)	

MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant Local Rules 5.03 and 7.01, and in accordance with Section 5.07 of the Amended Practices and Procedures for Electronic Case Filing (Administrative Order 167-1), Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC (collectively “Plaintiffs”) hereby respectfully move for Leave to File Exhibits 1 and 2 to their forthcoming Opposition to Defendant Spotify USA Inc.’s Motion for Protective Order Barring the Deposition of Daniel Ek (“Defendant’s Motion”).

To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to

those reasons—specifically, by ‘analyz[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal citations.’” *Beauchamp v. Federal Home Loan Mortgage Co.*, 658 F. App’x 202, 207 (6th Cir. 2016).

The Exhibits Plaintiffs wish to file under Seal are excerpts from two telephonic conferences which occurred on April 16 and 17, 2019 in *Bluewater Music Servs. Corp., et al. v. Spotify USA Inc.*, Case No. 3:17-cv-1051 (M.D. Tenn.), regarding several discovery disputes, but namely Spotify’s Motions to Quash the Deposition Notices of James Duffett-Smith and Daniel Ek in those cases. The information discussed within these transcripts is Protected Material still subject to the Operative Protective Order in the *Bluewater* Case. Plaintiffs believe that these Excerpts, which are only the portions of the hearings pertaining to the Motions to Quash the Deposition Notices of James Duffett-Smith and Daniel Ek will assist the Court in its decision on Spotify’s Motion. Because the excerpts are entirely confidential, filing redacted versions of the excerpts is impracticable.

For similar reasons, this Court has similarly granted similar relief when requested by Spotify. *See, e.g.* Doc. Nos. 53, 94, 185.

Pursuant to Local Rule 7.01(a)(1), Counsel for Plaintiffs have met and conferred with Counsel for Spotify, and the relief requested in the present motion is unopposed.

Dated: February 7, 2022

By: /s/ Richard S. Busch
Richard S. Busch (TN Bar # 14594)
KING & BALLOW
315 Union Street, Suite 1100
Nashville, TN 37201
Telephone: (615) 726-5422
Facsimile: (615) 726-5417
rbusch@kingballow.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 7, 2022, a copy of the foregoing Motion for Leave to File Under Seal was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Aubrey B. Harwell III, Esq. (BPR #017394)
Marie T. Scott, Esq. (BPR # 032771)
NEAL & HARWELL, PLC
1201 Demonbreun Street
Suite 1000
Nashville, Tennessee 37203
(615) 244-1713 (Telephone)
(615) 726-0573 (Facsimile)
trey@nealharwell.com
msscott@nealharwell.com

Timothy L. Warnock, Esq. (BPR # 12844)
Keane A. Barger, Esq. (BPR # 33196)
RILEY WARNOCK & JACOBSON, PLC
1906 West End Avenue
Nashville, Tennessee 37203
Telephone: (615) 320-3700
twarnock@rwjplc.com
kbarger@rwjplc.com

Matthew D. Ingber, Esq. (*pro hac vice*)
Rory K. Schneider, Esq. (*pro hac vice*)
Allison Aviki, Esq. (*pro hac vice*)
MAYER BROWN LLP
1221 Avenue of the Americas
New York, New York 10020
(212) 506-2500 (Telephone)
(212) 262-1910 (Facsimile)
mingber@mayerbrown.com
rschneider@mayerbrown.com

Andrew J. Pincus, Esq. (*pro hac vice*)
Archis A. Parasharami, Esq. (*pro hac vice*)
MAYER BROWN LLP
1999 K Street, N.W.
Washington, District of Columbia 20006
(202) 263-3328 (Telephone)
apincus@mayerbrown.com
aparasharami@mayerbrown.com

Kathleen M. Sullivan, Esq. (*pro hac vice*)
Carey R. Ramos, Esq. (*pro hac vice*)
Cory Struble, Esq. (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 895-2500 (Telephone)
kathleensullivan@quinnemanuel.com
careyramos@quinnemanuel.com

Thomas C. Rubin, Esq. (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
600 University Street
Suite 2800
Seattle, Washington 98101
(206) 905-7000 (Telephone)
tomrubin@quinnemanuel.com

corystruble@quinnemanuel.com

Allison L. Stillman, Esq. (*pro hac vice*)
LATHAM & WATKINS, LLP
1271 Avenue of the Americas
New York, New York 10020
(212) 906-1200 (Telephone)
alli.stillman@lw.com
*Attorneys for Defendant and Third-Party
Plaintiff Spotify USA, Inc.*

Brian D. Caplan, Esq. (*pro hac vice*)
Robert W. Clarida, Esq. (*pro hac vice*)
Julie Wlodinguer, Esq. (*pro hac vice*)
REITLER KAILAS & ROSENBLATT LLC
885 Third Avenue
20th Floor
New York, New York 10022
(212) 209-3050 (Telephone)
bcaplan@reitlerlaw.com
rclarida@reitlerlaw.com
*Attorneys for Third-Party Defendant
Kobalt Music Publishing America, Inc.*

Mark H. Wildasin, Esq.
Kara F. Sweet, Esq.
U.S. ATTORNEY'S OFFICE (Nashville)
MIDDLE DISTRICT OF TENNESSEE
110 Ninth Avenue
Suite A-961
Nashville, Tennessee 37203
(615) 736-2079 (Telephone)
mark.wildasin@usdoj.gov
kara.sweet@usdoj.gov
*Attorneys for Interested Party, United States
of America*

Rachel Elizabeth Epstein, Esq.
Mario G. Gazzola, Esq.
QUINN, EMANUEL, URQUHART
& SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 849-7000 (Telephone)
(212) 849-7100 (Facsimile)
rachelepstein@quinnemanuel.com
mariogazzola@quinnemanuel.com

James Franklin Blumstein, Esq.
VANDERBILT LEGAL CLINIC,
VANDERBILT LAW SCHOOL
132 21st Avenue South
Nashville, Tennessee 37203
(615) 322-4964 (Telephone)
(615) 322-6631 (Facsimile)
james.blumstein@vanderbilt.edu

Jacob T. Clabo, Esq.
Jay Scott Bowen, Esq.
Lauren E. Kilgore, Esq.
SHACKELFORD BOWSEN MCKINLEY
& NORTON, LLP
1 Music Circle South
Suite 300

Chris M. LaRocco, Esq.
Matias Gallego-Manzano, Esq.
BRYAN CAVE LEIGHTON PAISNER LLP
1290 Avenue of the Americas
New York, New York 10104
(212) 541-2000 (Telephone)
Chris.larocco@bclplaw.com

Nashville, Tennessee 37203
(615) 329-4440 (Telephone)
jclabo@shackelford.law
jbowen@shackelford.law
lkilgore@shackelford.law

Matias.gallego-manzano@bclplaw.com

Executed this 7th day of February, 2022.

/s/ Richard S. Busch